



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

July 31, 2008

BY ELECTRONIC MAIL AND REGULAR MAIL

Mr. Benn Lewis
Vice President
Airtek Environmental Corp.
39 West 38 Street, 12th Floor
New York, N.Y. 10018

Re: Comments on April 2008 Draft "Deconstruction Phase"
for Fiterman Hall at 30 West Broadway, New York, NY

Dear Mr. Lewis:

The United States Environmental Protection Agency (EPA) has reviewed the April 2008 draft "Deconstruction Phase" documents submitted by letter dated April 25, 2008 by Airtek Environmental Corp. (Airtek) on behalf of the Dormitory Authority of the State of New York (DASNY) and the City University of New York (CUNY) in order to understand and evaluate the procedures for the "Deconstruction Phase". EPA consulted with the New York State Department of Labor (NYSDOL) and the New York City Department of Environmental Protection (NYCDEP) about the proposed draft "Deconstruction Phase" documents for Fiterman Hall.

EPA's review of the draft "Deconstruction Phase" documents focused on containment measures to control potential releases of contaminants, proper procedures for air monitoring, and waste disposal. NYSDOL and NYCDEP based their reviews on the regulations related to performance of an asbestos project. The comments from EPA, NYSDOL, and NYCDEP are provided as enclosures to this letter.

EPA's review of the draft "Deconstruction Phase" documents is not intended as a review of any structural engineering and safety matters or of the means and methods for any structural engineering matters and structural deconstruction of Fiterman Hall. EPA is relying on the expertise of the New York City Department of Building (NYCDOB) in these areas and on its oversight of all of the structural engineering matters and structural deconstruction related matters for this project. EPA's comments on the draft "Deconstruction Phase" documents are being sent to the NYCDOB.

In addition, EPA's review of the draft "Deconstruction Phase" documents is not intended as a review of the requirements for the protection of worker safety and health or for fire protection and safety at Fiterman Hall. EPA is relying on the expertise of the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) and the New York City Fire Department (FDNY) in these areas, respectively. EPA's comments on the draft "Deconstruction Phase" documents are also being sent to OSHA and FDNY.

The regulators reserve the right to modify the attached comments and/or make additional comments about the proposed work if new information becomes available or information, currently known and considered, is changed in whole or in part during the review process for the "Deconstruction Phase" documents and during the "remediation and deconstruction" phases of the project. In the event that the plans for the "remediation and deconstruction" have to be supplemented or modified as the project proceeds, the regulators will review and may provide additional comments after we review the supplementary information and documents submitted on behalf of DASNY/CUNY.

The following draft "Deconstruction Phase" documents were reviewed by EPA in order to understand and evaluate the procedures for the "Deconstruction Phase":

- Regulatory Submittal Part I(D) – Deconstruction Operation Work Plan, dated April 25, 2008
- Regulatory Submittal Part IV(D) – Deconstruction Phase Waste Sampling and Management Plan, dated April 25, 2008, and
- Regulatory Submittal Part III(D) – Deconstruction Health and Safety Plan (HASP), dated April 25, 2008

To explain the proposed revisions to the draft "Deconstruction Phase" documents in support for the "remediation and deconstruction" of Fiterman Hall, EPA requests that DASNY/CUNY provide the regulators with a separate response to each of the attached comments that states: (1) whether the comment has been incorporated into the revised draft "Deconstruction Phase" documents; (2) if a comment has not been incorporated, the reason it was not incorporated; and, (3) any additional information that explains DASNY/CUNY's response to the attached comments. Your response to the attached comments will facilitate the regulators' review process. In your response, kindly inform the regulators of DASNY/CUNY's schedule for submitting the revised draft "Deconstruction Phase" documents in support of the "remediation and deconstruction" of Fiterman Hall, and the other deliverables referenced in this letter.

After DASNY/CUNY and its consultants have an opportunity to review the regulators' comments and this letter, please let me know if you would like to discuss them during a teleconference or meeting. We look forward to your response to our comments prior to the commencement of any "Deconstruction Phase" work. If you have any questions please contact Mr. Emmet Keveney, of my staff, at (212) 637-3459.

Sincerely,

/s/

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Enclosure

cc: Richard Mendelson, OSHA w/encl.
Suzanne Mattei, NYSDEC w/encl.
Chris Alonge, NYSDOL w/encl.
Krish Radhakrishnan, NYCDEP w/encl.
Robert Iulo, NYCDOB w/encl.
Mike Weinlein, FDNY, w/encl.
Richard Dalessio, DASNY w/encl.
Max Pizer, CUNY w/encl.
Benn Lewis, Airtek w/encl.

Regulatory Submittal Part I(D)
Deconstruction Operation Work Plan
Fiterman Hall – 30 West Broadway
New York, NY
Dated April 25, 2008

Section 1.0 General

1. The end of the second paragraph states the following: “Prior to structural deconstruction, the Building will have undergone remediation for the abatement of environmental contaminants.” However, abatement activities will also be conducted during the Deconstruction Phase and are discussed later in the Deconstruction Operation Work Plan. Therefore, the aforementioned sentence should be rewritten since it gives the inaccurate impression that all of the abatement work will have been completed during the Remediation Phase and prior to the start of the Deconstruction Phase.

Section 2.3 Regulatory Submittal Part IV(D) – Waste Sampling and Management Plan

2. The last sentence of this section states that a Quality Assurance Project Plan (QAPP) for the Deconstruction Phase Waste Sampling and Management Plan (Deconstruction WSMP) is included as Attachment D to the Deconstruction WSMP. Looking at the Deconstruction WSMP plan, it appears the QAPP can be found in Attachment B. Please revise this section accordingly.

Section 3.2 NYS DOL Notification; Section 3.4 NYC DEP Notification; and
Section 3.5 USEPA Notification

3. As indicated by NYSDOL and EPA to the building’s owner and their representatives, consultants, and contractors during a June 18, 2008 meeting the completion dates for, at a minimum, the NYSDOL and the EPA notifications should be updated. In addition, the various notifications should be reviewed, and updated as necessary, to ensure that all relevant information is consistent between the notifications. Please find below a few areas where there may potentially be inconsistencies between the notifications that should be reviewed by the building’s owner to determine if the information should be updated: work shift days and times, and start and end dates for scaffold erection and remediation and deconstruction activities. The examples above are not all encompassing. Please provide a complete update.

Section 5.1 Remaining Asbestos Containing Material & Limited Environmentally Contaminated Items

4. This section states that one of the asbestos containing materials (ACM) or environmentally contaminated items remaining at the end of the Remediation Phase that will require “environmentally controlled” removal during the structural deconstruction will be non-friable asbestos containing mastic on perimeter kneewall. This section should be revised since Airtek and PAL have submitted a variance re-opener and

amendment to the Remediation Work Plan to address the abatement and removal of the asbestos containing mastic on the perimeter kneewall during the Remediation Phase as opposed to during the Deconstruction Phase. In addition, the statement contradicts with Section 7.6 (Façade Wall and Kneewall Removal) of the Deconstruction Operation Work Plan.

5. This section states that the removal procedures for the non-friable asbestos containing mastic on spandrel beams and the removal of specific large items and heavy machinery items can be found in Sections 7.1 and 7.2. However, Section 7.1 discusses window removals that do not pertain to the aforementioned items. Please revise this section to state the appropriate section(s) of the Deconstruction Operation Work Plan that discusses the procedures for the abovementioned items.

Section 6.3 Deconstruction Equipment

6. Reference is made to an Attachment H for cut sheets of equipment. However, there is no Attachment H included with the Deconstruction Work Plan. Please clarify and revise the Deconstruction Work Plan accordingly.

7. This section states the following: “Fuel for equipment and torches will be stored in a lockable cage exterior to the building on the west side of the site.” Reference is made to the fuel storage cages which are located on Attachment V (Deconstruction Operations Logistics Plan). The fuel storage cages for the oxygen and the acetylene appear to be in the interior of the building as opposed to the exterior of the building as stated in Section 6.3. Please clarify the location of these cages and revise the section and/or the drawing in Attachment V accordingly and any drawings which may reference these storage areas in the Deconstruction Phase Waste Sampling and Management Plan (e.g., Attachment C).

SECTION 7.0 – DECONSTRUCTION PROCESS

8. Please clarify in this section if abatement activities are proposed to be conducted on floors below a given upper floor that may be undergoing deconstruction activities since this section discusses a procedure known as a “wedding cake” methodology where activities may be conducted on floors below those floors undergoing deconstruction/demolition activities above .

Section 7.2.1 Assumed Contaminated Heavy Machinery & Equipment

9. Please provide further clarity and details on the asbestos air sampling proposed to be conducted in addition to the community air monitoring during the movement of the assumed contaminated machinery and equipment. For example, how will the number of samples to be collected be determined for the area(s) “around the perimeter of the area of origin of the wrapped items” and “around the waste loading area”? Where will samples be collected “along the route taken to deliver the wrapped materials to the waste loading area” since a portion of the route is via the crane?

10. Please clarify in this section if the waste container areas specified on both West Broadway and Greenwich Street in the diagram of Attachment V (Deconstruction Operation Logistics Plan) are to be the waste loading areas for the assumed contaminated machinery and equipment once the material is brought down to ground level with the use of the crane.

11. Please provide contingency procedures for handling a situation where the poly wrapped heavy machinery and equipment has been compromised during prepping, transport, etc.

12. The last paragraph of this section states the following: “the last set of during samples run for any work operation will serve as final air samples for that operation unless there is an exceedance of the 70 s/mm standard for any sample. In the case of any exceedance, a set of final air samples will be run in the area of the exceedance and work practices will be reviewed in an effort to determine the cause of the exceedance.” Please provide clarity on the procedures that will be in-place if there is an exceedance of 70 s/mm standard for any sample during the removal of the assumed contaminated machinery and equipment.

Section 7.3 Removal of Penthouse/Mechanical Levels

13. The last sentence of this paragraph states the following: “If any steel beams are found to be impacted by ACM mastic, the asbestos abatement procedure outlined in Section 7.6.2 will be performed.” There is no Section 7.6.2. Please revise this sentence to state the appropriate section where the procedures can be found.

Section 7.7 Removal of Perimeter Columns and Spandrel Beams (Incl. ACM Abatement)

14. This section states the following: “Spandrel beams will be detached from the columns by torch cutting at column connection points where there is no ACM mastic present leaving the spandrel beam on top of the plasticized section of the floor slab.” Please clarify if there is ACM mastic present at the column connection points. What is the procedure to be used if there is ACM mastic present at the column connection points with the spandrel beams?

15. The fourth paragraph states the following: “In the first method, the detached beams will be wrapped in 6-mil poly with the non-friable ACM mastic intact and prepped for rigging.” Please clarify in this section how many layers of poly are planned to be used to wrap the aforementioned material.

16. The fourth paragraph states the following: “Removed mastic debris will be placed directly into 6-mil asbestos bags. The bags will be sealed with duct tape and placed into a second 6-mil asbestos bag. The second bag will then be sealed with duct tape.” Please clarify in this section if the outer surface of the (second) bag will be HEPA vacuumed and wet-wiped prior to transport out of the work area.

17. Please provide further clarity and details on the asbestos air sampling proposed to be conducted in addition to the community air monitoring. For example, how will the number of samples to be collected be determined for the area(s) “around the perimeter of the area of origin of the spandrel beams to be transferred” and “around the waste loading area”? Where will samples be collected “along the route taken to deliver the cut spandrel beams to the waste loading area” since a portion of the route may be either via the crane or via debris chutes?

18. Please clarify in this section if the waste container areas specified on both West Broadway and Greenwich Street in the diagram of Attachment V (Deconstruction Operation Logistics Plan) are to be the waste loading areas.

19. The second to last paragraph of this section discusses asbestos air sampling for the transportation/movement of the spandrel beams once cut to ground level. Please provide further clarity in this section on if the proposed air sampling pertains to both spandrel beams being transferred with and without the ACM spandrel mastic to the ground level with the use of the crane and debris chutes. In addition, please clarify in this section if the proposed air sampling scheme also pertains to the removal of, and transportation of, the ACM spandrel mastic in bags to the ground level with the use of the crane.

20. The second to last paragraph of this section states the following: “the last set of during samples run for any work operation will serve as final air samples for that operation unless there is an exceedance of the 70 s/mm standard for any sample. In the case of any exceedance, a set of final air samples will be run in the area of the exceedance and work practices will be reviewed in an effort to determine the cause of the exceedance.” Please provide clarity on the procedures that will be in-place if there is an exceedance of 70 s/mm standard for any sample during the work operation.

Section 8.0 Shafts and Chutes

21. The third sentence of this section states the following: “Chuting of asbestos containing materials will be prohibited at all times during the deconstruction operation.” It is recommended that “and assumed contaminated materials” be added to this sentence after “asbestos containing materials” since this term is used throughout the Deconstruction Operation Work Plan with regard to such items, but may not be limited to, heavy machinery and equipment wrapped in poly during the remediation phase operations.

Attachment VIII Asbestos Survey Table

22. This table discusses the following items that still remain to be abated during the deconstruction phase: fiber glass materials on perimeter walls, felt materials on perimeter walls, flashing mastic on beams, and black cloth material on beams. However, the Deconstruction Operation Work Plan does not provide any details on how these materials will be handled, managed, stored, and transported from the site. Please revise

the Deconstruction Operation Work Plan and its Attachment IX (Asbestos Location Drawings) to include this information.

23. The Deconstruction Operation Work Plan should provide contingency procedures for handling a situation where unanticipated contaminated dust and/or debris are encountered during the Deconstruction Phase.

Regulatory Submittal Part IV(D)
Deconstruction Phase
Waste Sampling and Management Plan
Fiterman Hall – 30 West Broadway
New York, NY
Dated April 25, 2008

Section 2.1 Asbestos-containing Materials

1. This subsection of Section 2.0, or an additional sub-category of Section 2.0, should include run-off water from abatement activities and shower/decon water as anticipated waste streams for the project.

Section 2.3 Conventional Deconstruction Waste

2. This section should be revised to remove reference to “bagged roof ballast” since there currently is a New York State Department of Labor (NYSDOL) variance re-opener proposal to remove the roof ballast during the Remediation Phase as part of the Office of the Chief Medical Examiner (OCME) Potential Human Remains (PHR) search activities.

Section 2.4 Unanticipated Waste Materials

3. Please confirm that the liquids referenced in this section for filtration and disposal to the New York City Sewer are unanticipated liquids not previously characterized and do not relate to run-off water and shower/decon water from abatement activities occurring during the Deconstruction Phase.

Section 4.2 WTC Dust-contaminated Building Components

4. The Deconstruction Phase Waste Sampling and Management Plan (Deconstruction WSMP) states the following: “Heavy equipment and other items deemed uncleanable that have been wrapped and left behind during the Remediation Phase will be assumed to be ACM waste and will not be further tested.” Please clarify the results of the previous sampling that was conducted on this waste stream that determined it should be handled and managed solely as ACM waste.

Section 4.3 Conventional Deconstruction Waste

5. Section 4.3 discusses liquid waste as a “conventional deconstruction waste” but Section 2.3 (Conventional Deconstruction Waste) of the Deconstruction WSMP does not discuss liquid waste streams. Section 2.3 only discusses numerous solid waste streams. Please provide clarity in this section on why there is or is not a need for further testing of those solid waste streams specified in Section 2.3 as part of the Deconstruction Phase.

6. Why are liquids used during abatement activities categorized and referenced under a section titled “conventional deconstruction waste”?

7. The following sentence is incoherent and should be re-written to provide clarity: “No further testing of this category of waste will be conducted unless a condition is observed that renders the presents the Characterization Phase remediation process liquids from throughout the interior of the building and the decontamination unit shower water were tested and confirmed to be below RCRA/TSCA limits and determined to meet NYC Sewer Discharge Criteria.”

8. This section discusses remediation process liquids from throughout the interior of the building and the decontamination unit shower water that were tested and compared to RCRA/TSCA standards and NYC Sewer Discharge Criteria. Please provide clarity in the Deconstruction WSMP on the conclusions drawn for the Remediation process liquids collected to date from the exterior wash liquids, roof ballast liquids, and any other remediation process liquids determined by the Owner’s Environmental Consultant to be from an uncharacterized source during the Remediation Phase that were captured, drummed, and stored in the secure waste storage facility with secondary containment until analytical testing were completed as described in detail in Section 4.3 (Remediation Process Liquids) of the Remediation Phase Waste Sampling and Management Plan.

9. The Deconstruction WSMP should be revised to clarify the final disposal option for liquids generated and/or used during abatement activities during the Deconstruction Phase, such as, but may not be limited to, run-off water and shower water/decon water. Section 4.3 of the Deconstruction WSMP discusses the New York City Sewer Discharge criteria and the criteria for dewatering permits which appear to imply that such waste streams are proposed to be disposed into the sewer. If so, please clarify in the Deconstruction WSMP if there are any other engineering controls planned to be used prior to discharge into the sewer. In addition, Section 7.7 of the Deconstruction Operation Work Plan states that runoff water will be containerized and decontaminated for disposal as asbestos waste or in accordance with any waste characterization results which appears to contradict with the assumed final disposal option implied in the Deconstruction WSMP. Please clarify and revise all documents which pertain to the subject of liquids pertaining to abatement type activities during the Deconstruction Phase. Lastly, if the liquids will be drummed for final disposal off-site, the Deconstruction WSMP should be revised to note the storage area(s) for this waste stream prior to its final disposal off-site.

Section 4.4 Heavy Equipment

10. This section states the following: “Heavy equipment is considered ACM-contaminated as are all other interior components. No further testing will be conducted.” Based on earlier sections of the Deconstruction WSMP, such as, but not limited to, Section 4.2 (WTC Dust-Contaminated Building Components), only heavy equipment and items identified in Section 2.2 of the Deconstruction WSMP that were deemed uncleanable and wrapped in two layers of poly during the Remediation Phase were to be

handled and managed as asbestos waste, at a minimum, during the Deconstruction Phase. Please provide further clarity on the language specified in this section.

11. Please clarify in this section what are the “other interior components” referenced in this section that will be assumed ACM-contaminated and will be removed, handled, and disposed properly during the Deconstruction Phase. Other sections of the Deconstruction Phase documents submitted in April 2008 may have to be revised to address these “other interior components” that will be removed, handled, and disposed properly during the Deconstruction Phase as opposed to the Remediation Phase.

Section 6.1 Asbestos-containing Materials Waste

12. This section states that waste containing asbestos will be stored in a lockable six-walled ACM waste container in the Greenwich Street lane closure. However, this statement conflicts with the drawing specified in Attachment C (Waste Loading/Storage Areas – Logistics Plan) of the Deconstruction WSMP which notes three container storage areas: one in the Greenwich Street lane closure and two on West Broadway. Please clarify where this waste stream and any other waste streams generated and stored on-site will be stored and revise the Deconstruction WSMP and/or Attachment C as necessary. This comment also applies to the Deconstruction Operation Work Plan and/or its Attachment V (Deconstruction Operation Logistics Plan).

Section 6.4 Unanticipated (Other) Waste

13. This section states that materials not previously categorized will be characterized as detailed in Section 4.10. However, there is no Section 4.10. Please clarify the appropriate Section where the aforementioned information can be found.

Section 8.0 Travel Routes and Attachment A: Waste Routes

14. Attachment A (Waste Routes) states that the drawing pertains to the waste route for the Remediation Phase. Please clarify if Attachment A is the proposed waste route for the Deconstruction Phase or the Remediation Phase and revise the drawing accordingly to address the waste route for the Deconstruction Phase.

15. Section 6.1 of the Deconstruction WSMP states that waste containing asbestos will be stored in a lockable six-walled ACM waste container in the Greenwich Street lane closure. However, this statement conflicts with Section 8.0 and the drawing specified in Attachment A of the Deconstruction WSMP which notes that waste will be collected from two locations at the building: from the west side of the site on Greenwich Street and on the east side of site on West Broadway. Please clarify if there will be more than one storage and pick-up location for waste streams generated during the Deconstruction Phase and revise the Deconstruction WSMP and/or Attachment A as necessary.

Section 9.0 Disposal Facilities

16. Please clarify the asbestos waste transporter in this section and ensure that the information is consistent with the waste transporter information specified in the EPA Notification (Attachment III) and the NYCDEP Notification (Attachment IV) to the Deconstruction Work Plan.

17. Please be cognizant that if additional waste streams are encountered during the Deconstruction Phase such as, but may not be limited to, hazardous waste and PCBs referenced in Sections 7.0 and 10.0 of the Deconstruction WSMP, Sections 6.0 and 9.0 should be revised, at a minimum, to note the proposed storage location and the transporter(s) and disposal facilities.